

Serial No. 09/855,385

Attorney Docket No. PF02177NA

**REMARKS**

Claims 1 through 20 are pending in this application. Claim 13 is hereby canceled without prejudice or disclaimer and, thus, claims 1 through 12 and 14 through 20 remain. In addition, claims 8 and 20 are hereby amended.

Claims 1 through 7 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,301,609 B1 to Aravamudan, et al. ("Aravamudan, et al. patent"). Claim 6 is also rejected under 35 U.S.C. §103(a) as being unpatentable over the Aravamudan, et al. patent in view of U.S. Patent No. 6,333,929 B1 to Drottat, et al. ("Drottat, et al. patent").

Claim 1 provides, *inter alia*, dropping an instant message intended for a mobile subscriber from a buddy if the mobile subscriber does not receive the instant message after the instant message is resent a predetermined number of times. Claim 3 provides similar language. Thus, the instant message is dropped if it is not delivered to the mobile subscriber.

The Aravamudan, et al. patent describes a method for communicating a Communication Services Platform ("CSP") and a user interface of a client premises equipment ("CPE") device. In contrast to claims 1 and 3, the CPE of the Aravamudan patent generates an inactivity message and conveys the inactivity message to the CSP if no interaction is sensed for a predetermined time period. The Aravamudan, et al. patent describes that the CPS updates its database to indicate that a user is inactive in response to receiving the inactivity message, but it does not describe or suggest dropping an instant message, as required by claims 1 and 3. Likewise, the Drottat, et al. patent describes a receiver that sends a negative acknowledge (NAK) to a

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transmitter to instruct the transmitter to resend previously-sent packets. Similar to the Aravamudan, et al. patent, the Drott, et al. patent does not describe or suggest dropping an instant message, as required by claims 1 and 3. Therefore claims 1 and 3 distinguish patentably from the Aravamudan, et al. patent, the Drott, et al. patent, and the combination of these patents.

Claims 2 and 4 through 7 depend from and include all limitations of independent claims 1 and 3. Therefore, claims 2 and 4 through 7 distinguish patentably from the Aravamudan, et al. patent, the Drott, et al. patent, and the combination of these patents for the reasons stated above for independent claims 1 and 3.

In view of the above, reconsideration and withdrawal of the rejections to claims 1 through 7 are respectfully requested.

Claims 8 through 12 and 14 through 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Aravamudan, et al. patent in view of U.S. Patent No. 6,091,710 to Mawhinney ("Mawhinney patent").

Claims 8 and 20 are hereby amended to include the limitations of claim 13, which is hereby canceled. In particular, claim 8 as amended provides, *inter alia*, notifying the mobile subscriber when a buddy sends a second message intended for the mobile subscriber subsequent to sending a first unanswered message in which the second message is different from the first unanswered message, and claim 20 as amended provides similar language. Support for the above recitation is provided at page 16, lines 12 through 17, and page 17, lines 2 through 4, of the

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specification. Thus, a buddy sends a subsequent message without regard for whether an answer is received for an earlier message.

Page 8 of the above Office Action states that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of the Mawhinney patent with the Aravamudan, et al. patent, in order to provide a more accurate system by resending second messages when there is no response. It is important to note that, in regard to claims 8 and 20, the buddy is not required to resend the same message multiple times. The Aravanudan, et al. patent and the Mawhinney patent do not describe or suggest a buddy that sends multiple messages without regard for whether an answer is received, as required by amended claims 8 and 20. Therefore, amended claims 8 and 20 distinguish patentably from the Aravamuda patent, the Mawhinney patent, and the combination of these patents.

Claims 9 through 12 and 14 through 19 depend from and include all limitations of independent claim 8 as amended. Therefore, claims 9 through 12 and 14 through 19 distinguish patentably from the Aravamuda patent, the Mawhinney patent, and the combination of these patents for the reasons stated above for amended claim 8.

In view of the above, reconsideration and withdrawal of the rejections to claims 8 through 20 are respectfully requested.

### CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope

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of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. A Notice of Allowance is respectfully solicited. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

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